

# TESTIMONY OF MARIO JOSEPH

Delivered to the Inter-American Commission on Human Rights

During a Hearing on the  
Economic and Social Rights Situation in Haiti following the Earthquake  
and the Human Rights Obligations of OAS Member States

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My name is Mario Joseph, I am Managing Attorney of the *Bureau des Avocats Internationaux* (BAI) in Port-au-Prince, Haiti. The BAI assists and represents victims of, on the one hand, violations of civil and political rights and, on the other, violations of economic, social and cultural rights in Haitian and international fora. I offer you the most cordial salutations and my profound gratitude for being among today's witnesses.

My testimony is based on the daily observations I made from January 12 until March 12, 2010 in Port-au-Prince. It is also based on the reports of members of grassroots organizations, who live in the camps and collaborate every day with my office, and on the on-the-ground observations and investigations of our international partners. For additional information, we have submitted a film and a report containing the results of two inquiries done after January 12, 2010, one by the BAI and the other by Lamp for Haiti Task Force.

## Situation of Economic and Social Rights after January 12

Violations of economic and social rights after the earthquake are massive and felt throughout the country. The violations are also all interconnected: the violation of one right leads inexorably to the violation of other rights. I will speak about three categories as examples: the right to housing, the right to food, and the right to medical care.

### The Right to Housing

The right to housing is systematically violated for the victims of the earthquake. My compatriots are forced to live in public parks and on the streets and have slept under the stars for more than two long months. And when the rains arrive, they are absolutely desperate.

According the United Nations, for two months, 1.3 million of my fellow citizens— more than twice the population of the District of Columbia—have lived in spontaneous camps for internally displaced people. No one knows how many “lucky people” sleep, as I do, in a car or in the yard of their homes.

The vast majority of the camps sprung up spontaneously, and are without regular basic services. According to LAMP's investigation, only 21% of camp residents sleep in tents. 58% sleep under plastic tarps, and 15% sleep without any waterproof cover. 70% did not receive any material to

provide shelter. 68% of people interviewed by LAMP said that shelter is one of their primary priorities that has not been satisfied.

### **The Right to Food**

73% of people interviewed by LAMP said that a lack of food was one of their primary priorities, 53% had not received any food aid (70% in the camps). All six of the communes in the BAI survey experienced this problem. Port-au-Prince was comparatively better off, with 65% of people reporting that they needed food aid. Other communes reported figures between 79% and 100% of the population.

Up to the present, food aid distribution has been poorly coordinated. The aid has generally been distributed in disorder. Sometimes, vouchers for the receipt of food aid have been distributed in an opaque way, without coordination or planning. At times, women have been forced to trade sex to obtain a voucher to feed their families. In contravention of the United Nations Guiding Principles on Internally Displaced Persons, the victims and the committees of victims have not participated in the planning.

### **The Right to Medical Care**

In the inquiry by LAMP, 46% of interviewees said that their family had at least one ill person; 42% had one member injured during the earthquake. 31% said that someone in the family had received medical care. In every case, those living face hygienic problems, including squalid conditions, nauseating odors, stagnant water that breeds insects like mosquitoes leading to contagious illnesses like malaria, lack of latrines, etc.

### **The Most Vulnerable Groups**

The most vulnerable groups such as: infants, young children, women, pregnant women, handicapped persons, and the elderly face serious problems. Two women's organizations in our network, FAVILEK and KOFAVIV have reported to us, and we have confirmed ourselves, that animals such as dogs, chickens, pigs, and grass snakes prowl around the camps and attack infants, women feeding infants, and young children at night. Women's organizations like FAVILEK and KOFAVIV have documented and complained to us of numerous cases of sexual violence.

### **Religious Persecution**

There have been cases of physical violence against vodou practitioners by practitioners from fundamentalist religious groups, denounced by the public and by the victims in complaints brought before Justices of the Peace in Cité Soleil and the southern section of Port-au-Prince.

In fact, on the night of Friday, February 27, 2010, Protestants attacked vodou practitioners in Cité Soleil who were in the middle of organizing a vodou ceremony in the Perestyle, a religious temple. On Thursday, March 11, 2010, another group of Protestants attacked voodoo practitioners in Fontamara, a southern suburb of Port-au-Prince. In other zones of the country, particularly in the

commune of Verrettes in the Artibonite, literal witch hunts have been launched against priests and practitioners of this religion.

## **Recommendations**

We ask you to make a visit to Haiti, and especially to the camps, because words—and even photos and videos—cannot truly communicate all the horror of the camps. Even those international investigators who have watched on television, and heard of the horror scenes on the news before arriving in Haiti have been shocked when they visit the camps themselves.

We also recommend that the Commission name a special rapporteur on economic, social, and cultural rights.

The Commission, therefore, must demonstrate its will to act, before it is too late to act. With the rainy season upon us, it is already late—extremely late—to act to prevent another catastrophe in Haiti. The goal of my testimony is to urge the Commission to act quickly.